

REMARKS

Before entry of this Amendment, claims 1-42 were pending in the application. After entry of this Amendment claims 1-42 remain pending under examination. The number of total claims has not been increased, and the number of independent claims has not been increased beyond the number for which payment previously had been made.

Applicant has carefully considered the Examiner's Action of May 28, 2004, and the references cited therein. The following is a brief summary of the Action.

Claims 1-41 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-43 of U.S. Patent Application No. 10/622,187.

New corrected formal drawings were requested because the submitted drawings contain hand marked labels and notations. Applicant submits herewith Replacement Sheets that are corrected formal drawings, including a Replacement Sheet for Fig. 10 as noted above. Accordingly, Applicant respectfully submits that the objections to the drawings have been overcome and should be withdrawn.

Applicant submits herewith a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application along with the required filing fee.

Applicant respectfully requests reconsideration and reexamination of claims 1-42, as presented herein, and submits that these claims are in condition for allowance and should be passed to issue.

If any fee or extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension and authorizes charging Deposit Account No. 04-1403 for any such fee not submitted herewith.

Respectfully submitted,

DORITY & MANNING, P.A.

DATE:

Aug 27, 2004

BY:

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IN THE DRAWINGS:

Applicant hereby makes typographical corrections to Fig. 10 with the corrections shown in red ink. The corrections pertain to the number 7 in the equations under the columns entitled "PEAK HEIGHT" and "PEAK AREA," which were typographical errors and should have been the letter "Y." These corrections are shown in the corrected formal drawing for Fig. 10.

Applicant also submits herewith corrected formal drawings that eliminate hand marked labels and notation in accordance with paragraph 3 of the Office Action.



ANNOTATED SHEET SHOWING DRAWING CHANGES

Analytical response functions and limits of detection for the LS-APGD device. Solution flow rate = 1 mL/min, electrolyte pH = 1, inter-electrode gap = 1 mm, injection volume = 5 μ L.

Element	wavelength (nm)	peak height eqn. R^2	peak area eqn. R^2	LOD ppm (ng)
Na	589.0	$y=0.421x + 42.8$ 0.9859	$y=15.81x + 978.6$ 0.9784	12 (60)
Fe	248.3	$y=1.06x - 102.1$ 0.9365	$y=45.80x - 6649$ 0.909	12 (60)
Pb	405.8	$y=1.18x - 10.45$ 0.977	$y=16.16x - 419.7$ 0.9298	14 (70)

FIG. 10